

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION)
_____)

MDL No. 2419
Dkt. No 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:)
)
ALL CASES)

**THE SAINT THOMAS ENTITIES' NOTICE OF JOINDER IN TENNESSEE CLINIC
DEFENDANTS' OMNIBUS RESPONSE TO MOTIONS TO WITHDRAW FILED BY
COUNSEL FOR NECC INSIDERS AND AFFILIATES**

The Saint Thomas Entities¹ hereby file this notice of joinder in the *Tennessee Clinic Defendants' Omnibus Response to Motions to Withdraw Filed by Counsel for NECC Insiders and Affiliates*² ("Omnibus Response") and in support, show the Court the following:

1. The Saint Thomas Entities are co-defendants in numerous cases involving a subset of the Tennessee Clinic Defendants,³ who filed an omnibus response to the various motions to withdraw filed by counsel for parties affiliated with NECC.⁴

2. As with the Tennessee Clinic Defendants, this litigation remains pending against the Saint Thomas Entities despite the settlement and release of claims against certain parties. Accordingly, discovery from the settling parties continues to be necessary to the Saint Thomas

¹ Saint Thomas West Hospital f/k/a St. Thomas Hospital, Saint Thomas Network, and Saint Thomas Health.

² Dkt. No. 2001.

³ This subset of the Tennessee Clinic Defendants consists of Saint Thomas Outpatient Neurosurgical Center, LLC, Howell Allen Clinic, a Professional Corporation, John W. Culclasure, M.D., Debra V. Schamberg, RN, and Vaughan Allen, MD.

⁴ Dkt. No. 2001 (responding to Dkt. Nos. 1936, 1941, 1947, 1979, and motions filed in the future by other settling parties seeking the same relief).

Entities' defense, whether the discovery relates to, *inter alia*, causation issues, intervening unforeseeable criminal acts, or comparative fault. In addition to the discovery already requested by the Saint Thomas Entities and Tennessee Clinic Defendants (which the settling parties have opposed), the settling parties may be subject to additional document and deposition subpoenas in the future.

3. While the Saint Thomas Entities take no position as to whether the Court should grant the pending motions to withdraw, they note that many of these parties have discovery motions pending and outstanding discovery due. These were all decisions made and positions taken with advice of each counsel now seeking leave to withdraw from this matter. Accordingly, either subsequent counsel or the parties *pro se* must continue to participate in the process begun by counsel seeking to withdraw.

4. The Saint Thomas Entities join in the Tennessee Clinic Defendants' request regarding the settling parties' identification of counsel or agents for service of process going forward in this litigation. Much is left to be done, with or without current counsel of record.

SAINT THOMAS WEST HOSPITAL,
FORMERLY KNOWN AS ST. THOMAS
HOSPITAL, SAINT THOMAS NETWORK,
AND SAINT THOMAS HEALTH

By their attorneys,

/s/ Sarah P. Kelly

Sarah P. Kelly (BBO #664267)

skelly@nutter.com

NUTTER McCLENNEN & FISH LLP

Seaport West

155 Seaport Boulevard

Boston, Massachusetts 02210

(617) 439-2000

(617) 310-9461 (FAX)

Dated: June 22, 2015

OF COUNSEL:

Yvonne K. Puig*

Texas State Bar No. 16385400

Adam T. Schramek*

Texas State Bar No. 24033045

Eric J. Hoffman*

Texas State Bar No. 24074427

Norton Rose Fulbright US LLP

98 San Jacinto Blvd. Suite 1100

Austin, Texas 78701

(512) 536-2450

(512) 536-4598 (FAX)

Marcy Hogan Greer*

Texas State Bar No. 08417650

mgreer@adjtlaw.com

ALEXANDER DUBOSE JEFFERSON & TOWNSEND LLP

515 Congress, Suite 2350

Austin, Texas 78701

(512) 482-9300

(512) 482-9303

*Appearing *Pro Hac Vice*

CERTIFICATE OF SERVICE

This certifies that a true and accurate copy of the foregoing was served on all parties of record by virtue of the Court's electronic filing system this 22nd day of June, 2015.

/s/ Sarah P. Kelly

SARAH P. KELLY

2828488.1